

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: :  
: BANKRUPTCY NO. 20-10334 TPA  
JOSEPH MARTIN THOMAS, :  
Debtor. : THE HONORABLE THOMAS P. AGRESTI  
:  
JOSEPH MARTIN THOMAS, : CHAPTER 11  
:  
Movant, : RELATED TO DOCUMENT NO. 212  
:  
v. :  
:  
NO RESPONDENT. :  
:  
:  
:

**ORDER EMPLOYING SPECIAL COUNSEL**

**AND NOW**, this *17th* day of *December*, 2020, upon consideration of the *Application to Employ Special Counsel (the "Application")*, it is **ORDERED, ADJUDGED and DECREED** as follows:

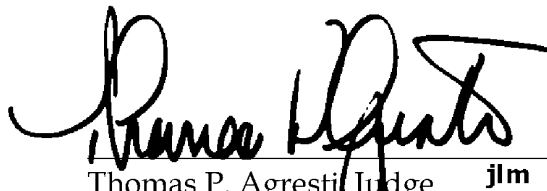
(1) *Jesse B. Baldwin, Esquire and the law firm of Kenney Shelton Liptak & Nowak LLP, The Calumet Building, 233 Franklin Street, Buffalo, New York 14202*, is hereby appointed, as of the date of filing the *Motion*, as *Special Counsel* for the Debtor pursuant to the terms (including compensation terms) described in the above referenced Application for the limited purpose of acting as attorney in connection with the interest of the Estate/Debtor to defend licensing and disciplinary matters before the New York State Department of Health, **PROVIDED HOWEVER**, no settlement of any claim is to occur without prior Court Order after notice and hearing.

(2) Professional persons or entities performing services in the above case are advised that approval of fees for professional services will be based not only on the amount involved and the results accomplished, but other factors as well including: the time and labor reasonably required by counsel, the novelty and difficulty of the issues presented, the skill requisite to perform the legal service properly, the preclusion of other employment due to acceptance of this case, the customary fee, whether the fee is fixed or contingent, the time limitations imposed by the client or the circumstances, the experience, reputation and ability of the attorneys involved, the undesirability of the case, the nature and length of the professional relationship with the client, and, awards in similar cases.

(3) Approval of any motion for appointment of counsel in which certain hourly rates/compensation terms are stated for various professionals is not an agreement by the Court to allow fees at the requested hourly rates or compensation terms, and is not a preapproval of compensation pursuant to 11 U.S.C. § 328(a). Final compensation, awarded only after notice and hearing, may be more or less than the requested hourly rates/compensation terms based on application of the above-mentioned factors in granting approval by Court Order. Any retainer paid to the Special Counsel is unaffected by this Order and remains property of the Estate until further order of Court.

(4) Notwithstanding anything to the contrary in the letter of engagement or agreement between the Debtor and Special Counsel, this Order does not authorize Special Counsel to retain or pay any outside counsel or other professional to assist Special Counsel in this matter unless such is done at no expense to Debtor, directly or indirectly. Any other retention of and payment to an outside counsel or other professional is subject to prior approval of the Court.

(5) Debtor shall serve the within Order on all interested parties and file a certificate of service.



Thomas P. Agresti Judge jlm  
United States Bankruptcy Court

In re:  
Joseph Martin Thomas  
Debtor(s)

Case No. 20-10334-TPA  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0315-1  
Date Rcvd: Dec 17, 2020

User: jmar  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 19, 2020:

Recip ID	Recipient Name and Address
sp	+ Jesse Baldwin, Kenney, Shelton, Liptak, Nowak, LLP, The Calmet Building, 233 Franklin Street, Buffalo, NY 14202-2105

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 19, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 17, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Crystal H. Thornton-Illar	on behalf of Creditor The Kada Gallery cThornton-Illar@leehtishman.com bankruptcy@leehtishman.com;mproden@leehtishman.com;thornton-illarc81012@notify.bestcase.com
Gary V. Skiba	on behalf of Interested Party Tri-State Pain Institute LLC gskiba@marshlaw.com, DGeniesse@marshlaw.com;rose227@hotmail.com
Guy C. Fustine	on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute LLC mwernick@kmglaw.com, knoxbank@hotmail.com,burban@kmglaw.com,amulryan@kmglaw.com
Lauren Michaels	on behalf of Creditor Office of Attorney General Department of Revenue lmichaels@attorneygeneral.gov

District/off: 0315-1

User: jmar

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Form ID: pdf900

Total Noticed: 1

Mark G. Claypool

on behalf of Creditor Ally Bank serviced by Ally Servicing LLC mclaypool@kmgslaw.com  
knoxbank@hotmail.com;chartle@kmgslaw.com;aklus@kmgslaw.com

Michael F.J. Romano

on behalf of Creditor TIAA Commercial Finance Inc. mromano@rgalegal.com, tyowell@rgalegal.com;jromano@rgalegal.com

Michael P. Kruszewski

on behalf of Debtor Joseph Martin Thomas mkruzewski@quinnfirm.com  
knottingham@quinnfirm.com;mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mmbquinnbankruptcy@gmail.com;mtrayer  
@quinnfirm.com;gbebkko@quinnfirm.com;jiddings@quinnfirm.com

Norma Hildenbrand, on Behalf of the United States Trustee by

on behalf of U.S. Trustee Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov

Office of the United States Trustee

ustregion03.pi.ecf@usdoj.gov

Salene R.M. Kraemer

on behalf of Creditor WELLS FARGO BANK N.A. skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com

TOTAL: 11